

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

Plaintiff

v.

Case No.: 2:14-cv-10266-SJM-LJM
Hon. Steven Murphy

UNIVERSAL HEALTH GROUP, INC.
A/K/A MICHIGAN SPINE AND REHAB,
UHG MANAGEMENT, LLC,
PROFESSIONAL HEALTH SYSTEMS,
LLC A/K/A PROFESSIONAL MEDICAL
BILLING, LLC, SCOTT P. ZACK, D.C.;
DAVID M. KATZ, D.C.,
JOSEPH F. DESANTO, HORIZON
IMAGING, LLC, CLEAR IMAGING, LLC,
JEFF S. PIERCE, D.O.;
THOMAS D. CARUSO, D.O. and
KATHERINE H. KARO, D.O.,

Defendants.

**DEFENDANTS JEFF PIERCE, D.O. AND THOMAS D. CARUSO, D.O.'S
CONCURRENCE AND JOINDER IN MOTIONS TO DISMISS PLAINTIFF'S
COMPLAINT FILED BY CO-DEFENDANTS IN DOCKETS #45 AND #46**

NOW COMES Defendants Jeff Pierce, D.O. and Thomas D. Caruso, D.O., ("Defendants Pierce and Caruso"), by and through counsel, and moves this Honorable Court to dismiss the claims against him, in whole or in part, pursuant to Fed. R. Civ. P. 12(b)(6), and 9(b), and for the reasons stated in the Motions to Dismiss Plaintiffs' Complaint filed by Scott P. Zack, D.C. and David M. Katz, D.C. (Dkt. #45); and Loren Chudler, D.O. (Dkt. #46), which include, but are not limited to: (i) Plaintiffs fail to state a claim upon which relief can be granted; and (ii) Plaintiffs fail to meet the pleading requirements of Fed. R. Civ. P. 9(b) with respect to their fraud allegations and RICO claims. Defendants Pierce and Caruso hereby joins and concurs in the Motions to Dismiss Plaintiff's

Complaint filed by Scott P. Zack, D.C. and David M. Katz, D.C. (Dkt. #45) and Loren Chudler, D.O. (Dkt. #46).

For the purposes of this Motion, Defendants Pierce and Caruso are a similarly-situated party to the above-stated Co-Defendants, both factually and legally, and Plaintiffs' allegations against Defendants Pierce and Caruso are substantially similar to those allegations against the above-stated Co-Defendants. As such, the facts and arguments set forth in the Motions to Dismiss Plaintiff's Complaint filed by Scott P. Zack, D.C. and David M. Katz, D.C. (Dkt. #45) and Loren Chudler, D.O. (Dkt. #46), equally apply to Defendants Pierce and Caruso. In the interest of judicial economy and to obviate the need to file separate motions, Defendants Pierce and Caruso concurs and joins in the Motions to Dismiss identified as Dkt. #45 and Dkt. #46, and adopts and relies on the reasoning and argument stated therein. Defendants Pierce and Caruso reserve the right to file their own separate Reply Brief in support of this Motion to Dismiss, and request oral argument.

Counsel for Defendants Pierce and Caruso sought concurrence in the relief requested from Plaintiff's counsel, but such concurrence was not forthcoming.

WHEREFORE, Defendants Pierce and Caruso concur in the relief sought by Co-Defendants in the Motions to Dismiss Plaintiff's Complaint filed by Scott P. Zack, D.C. and David M. Katz, D.C. (Dkt. #45); and Loren Chudler, D.O. (Dkt. #46), and likewise respectfully requests that Plaintiff's Complaint, as the same relates to Defendants Pierce and Caruso, be dismissed in whole or in part, with prejudice, and Defendants Pierce and Caruso be awarded costs and attorney fees so wrongly incurred in defense of this matter.

Respectfully submitted,

By: /s/ Gary R. Blumberg
Gary R. Blumberg, PC
Gary R. Blumberg (P29820)
Attorneys for Defendants Jeff Pierce and
Thomas D. Caruso
15011 Michigan Avenue

Dated: April 18, 2014

Dearborn, MI 48126
(313) 230-1121
grblumberg@gmail.com

By: /s/ Peter W. Joelson
Joelson Rosenberg PLC
Peter W. Joelson (P51468)
Attorneys for Defendants Jeff Pierce and
Thomas D. Caruso
30665 Northwestern Hwy., Ste 200
Farmington Hills, MI 48334
(248) 626-9966 fax: (248) 855-9496
pjoelson@joelsonrosenberg.com

Dated: April 18, 2014

CERTIFICATE OF SERVICE

NOW COMES the undersigned and hereby states that on April 18, 2014, the foregoing document and this Certificate of Service were e-filed and e-served using the ECF system which will send notification of such filing to all counsel.

/s/ Gary R. Blumberg
Gary R. Blumberg